

LABOUR DEPARTMENT

The 18th August, 1971

No. 8909-4Lab-71/27264.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and management of M/s K. P. Industries, Bahadurgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 19 of 1971

Between

SHRI RAM KISHORE C/O GENERAL SECRETARY LOH UDYOG KARAMCHARI
SANGH, BAHADURGARH AND THE MANAGEMENT OF M/S K. P. INDUSTRIES,
BAHADURGARH

Present.—

Shri Onkar Parshad, for the workman.

Shri D.C. Chadha, for the management.

AWARD

Shri Ram Kishore was in the Service of M/s K. P. Industries, Bahadurgarh as a welder. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/RK/46-I-7C, dated 9th February, 1971.

“Whether the termination of services of Shri Ram Kishore was justified and in order. If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement and the workman filed a replication.

The management took a preliminary objection that the reference was invalid because the workman never raised any demand or dispute directly with the management which was rejected by them and, therefore, there was no Industrial dispute between the parties which could be referred for adjudication. On merits it was pleaded that the workman has been causing unauthorised absence and so a charge sheet was issued to him on 1st July, 1970 in which it was pointed out that he had caused in all 72½ absences during the 12 months commencing from July, 1969 to June, 1970 and he had refused to carry out his duties. It is further alleged that the workman did not care to submit any reply nor did he report for duty and so after waiting for him till the end of September, 1970, his name was struck off. The following issues were framed.—

1. Whether there is no industrial dispute between the parties and the reference is invalid on this point,
2. Whether the workman became absent from duty w. e. f. 9th June, 1971 and he did not even give a reply to the charge sheet issued to him on 1st July, 1970 and his name was struck off in the end of September because of his continued absence?
3. If issue No. 1 is not proved whether the termination of services of Shri Ram Kishore was justified and in order? If not; to what relief is he entitled?

Issue No. I.—The learned representative of the management has stated that the preliminary objection has been taken on the ground that on merits the case of the management is that the workman himself became absent and did not even care to give a reply to the charge sheet and, therefore, there was no occasion for the management to take any action against him. The preliminary objection, therefore, depends upon the decision on issue No. 2. I find this issue accordingly.

Issue No. II.—Shri Pawan Kumar, Partner of the respondent concern has appeared as witness and has stated that the workmen refused to perform his duties on the ground that no helper was being given to him although it was not necessary to give him any helper. Shri Pawan Kumar Jain, further states that the applicant has been absent from his duty w. e. f. 9th June, 1970 without giving any reason and so his name was struck off from the rolls in the end of September, 1970.

In rebuttal the workmen even did not appear to give his evidence on the date fixed for the purpose. There is no reason to disbelieve the sworn testimony of the respondent to which there is no rebuttal. I find this issue in favour of the management.

Issue No. 3.—This issue does not arise in view of my findings on issue No. 2.

The result of my findings above is that the termination of the services of the workman was justified and in order and he is not entitled to any relief. I give my award accordingly. No order as to costs.

The 5th August, 1971.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1523, dated Rohtak, the 9th August, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 8912-4Lab-71/27266.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Amar Bearing Co., Industries, Faridabad City.

BEFORE SHRI P. N. THUKRAL PRESIDING OFFICER, LABOUR COURT, HARYANA ROHTAK

Reference No. 57 of 1971

Between

SHRI LAXMI NARAIN WORKMAN C/O BHIM SINGH YADAV XI—A/90, N. I. T. FARIDABAD
AND THE MANAGEMENT OF M/S AMAR BEARING CO., INDUSTRIES.
FARIDABAD CITY

Present :

Shri Daulat Ram, for the workman.

Shri D. C. Bhadwaj, for the management.

AWARD

Shri Laxmi Narain was in the service of M/s, Amar Bearing Co. Industries, Faridabad City. The services of the workman were dispensed with and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Gazette Notification No. ID/FD/635-A/17797 dated 9th June, 1971 :—

Whether the termination of services of Shri Laxmi Narain was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties for 22nd July, 1971. On the date fixed, the management filed a written statement in which it was pleaded that the workman had been paid a sum of Rs. 652—50 in full and final settlement of his claim inclusive of his right of re-instatement. The management filed the original settlement as also the receipt given by the workman acknowledging the receipt of Rs. 652—50. The statement of Shri D. C. Bhadwaj who represents the workman was recorded. The representative of the workman stated that workman had not contacted him and he has no instructions with regard to the settlement. In view of the settlement arrived at between the parties and the payment

made by the management, it is held that the workman is not entitled to any relief. I give my award accordingly.

The 12th August, 1971.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak, Haryana.

Endst. No. 1543, dated the 12th August, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No 8904-4Lab-71/27268.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Universal Electrics, Ltd; Ballabgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No 58 of 1971

Between

SHRI RAM KALA, WORKMAN C/O GENERAL ENGINEERING MAZDOOR UNION (INTUC),
N. I. T. FARIDABAD AND THE MANAGEMENT OF M/S UNIVERSAL ELECTRICS LTD;
BALLABGARH

Present :

Shri Adrash Kumar for the workman.

Shri D.C. Bhardwaj, for the management.

AWARD

Shri Ram Kala was in the service of M/s. Universal Electrics Ltd., Ballabgarh. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court, for adjudication,—*vide* Gazette Notification No. ID/FD/657A/17811, dated 9th June, 1971 :—

Whether the termination of services of Ram Kala was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties for 23rd July, 1971. On the date fixed Shri Adrash Kumar who represents the workman appeared and made a statement that the workman has been taken back into service with effect from 5th April, 1971 and he has been paid back wages for 45 days. The only dispute between the parties is with regard to the wages in lieu of leave. The workman can take the appropriate proceedings with regards to his claim for leave wages. The only dispute referred to this Court for adjudication is with regard to the validity of the termination of the services of the workmen. This dispute has been settled between the parties because the workman has been taken back into service and, therefore, no adjudication by this court is required. I give my award accordingly. No order as to costs.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana.
Rohtak.

Dated 9th August, 1971.

Endorsement No. 1524, dated Rohtak, the 9th August, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 8902-4Lab-71/27270.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Thandani Industries, Faridabad :—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 14 of 1969

between

THE WORKMEN AND THE MANAGEMENT OF M/S THANDANI INDUSTRIES
FARIDABAD

Present: Shri Roshan Lal Sharma, for the workmen.

Nemo for the management.

AWARD

The workmen of M/s Thandani Industries, Faridabad, through their union leader Shri Roshan Lal Sharma, President, General Labour Union, Faridabad, raised a demand for bonus at the rate of 25 per cent for the years 1965-66, 1966-67, 1967-68 which was not conceded by the management and hence this reference by the Governor of Haryana, in exercise of the powers conferred under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/FD/383-A/8141-45, dated 19th March, 1969, with the following term of reference.

Whether the workmen are entitled to the grant of bonus for the years 1965-66, 1966-67 and 1967-68. If so, with what details and from which date?

On receipt of the reference usual notices were given to the parties. The workmen filed their statement of claim on 9th May, 1969 reiterating their above demand for bonus. The management did not file any written statement in spite of service and the case was, therefore, proceeded ex-parte against the management. The ex-parte proceedings were, however, set aside subject to the payment of Rs. 25 as costs,—*vide* order dated 25th June, 1969 of my learned predecessor. The management still did not take any interest in the proceedings and further costs of Rs. 20 were awarded against it by order dated 15th July, 1969.

On 5th August, 1969 the management filed the balance sheet and profit and loss account statements which were accompanied by an affidavit to the fact that a fire had taken place in the factory and all the account books had been destroyed and a period of three months was required to reconstruct the same. Thereafter noon appeared on behalf of the management to pursue the case.

On 7th January, 1970 Shri S. S. Kolhi Store Keeper of the respondent concern WW 1 made a statement on oath that when he joined service in August, 1961 there were only 11 workmen but the number had increased to 19 in 1970. It was further stated by him that the management had been making profits and in the years 1965 and 1966 bonus had been paid to the workmen at the rate of 15 days wages and to some of the workmen bonus had been paid at the rate of 3 months wages. In cross-examination the witness deposed that the accounts for the period for 3 years, i. e. 1965-66, 1966-67, 1967-68 had been audited by Chanana and Co., Cannanught place, New Delhi but he could not say if the balance sheets for the period showed profits or loss.

Shri Roshan Lal Sharma, authorised representative of the workmen obtained several adjournments to summon the accountant of the management as a witness in the case but the notices issued to the management from time to time were received back unserved. My learned predecessor directed,—*vide*

order dated 2nd June, 1970 that service of the management be effected by publication of a notice in a news paper and the workmen were required to deposit Rs. 40 to meet the publication charges. But there was no compliance of this order inspite of getting a number of adjournments for this purpose. Notices were, however, still given to the management, two ordinary and four under registered covers, for different dates but the same have been received back undelivered with the reports that the factory had since been closed. On receipt of these reports continuously for a number of dates of hearing fixed in the case the authorised representative of the workmen was directed to produce some of the workmen who could be examined to find out the truth or otherwise of the aforesaid reports regarding the closure of the factory but no workman has come forward to contradict the above reports and make a statement before this Tribunal that the factory has not been closed and is still working. The authorised representative of the workmen has also not appeared on the last one or two dates.

Taking into consideration the facts and the circumstances of the case discussed above I am constrained to hold that the workmen are not interested in the present reference obviously because of the closure of the factory and the whereabouts of the persons concerned with the management being also not known, the reference can not proceed. The balance sheets and profit and loss account statement do not disclose any surplus amount available to justify the claim of the workmen for higher bonus, they rather disclose losses incurred by this industrial concern amounting to Rs. 1.61, 634.48 paise. However, since the workmen are not taking any interest in the present proceedings averted above, a no-dispute award is given without making any order as to costs.

Dated 11th August, 1971.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 888, dated 11th August, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 11th August, 1971.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 19th August, 1971

No. 8921-4Lab-71/27425.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Skytone Electricals (India), Faridabad.

**BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK**

Reference No. 93 of 1971

between

**SHRI KARAN SINGH C/O SHRI BHIM SINGH YADAV, 1-A/90, N.I.T., FARIDABAD AND THE
MANAGEMENT OF M/S SKYTONE ELECTRICALS (INDIA), FARIDABAD**

Present:—Shri Bhim Singh, for the workman.

Shri D. C. Bhardwaj, for the management.

AWARD

Shri Karan Singh was in the service of M/s Skytone Electricals (India), Faridabad. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act,

1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/165-A, dated 25th June, 1971 :—

Whether the termination of services of Shri Karan Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties for 27th July, 1971. On the date fixed, the representative of the workman has made a statement that the workman has received Rs 2,000 from the management and he settled his dispute in full and final settlement and now he is not entitled to any further relief. The representative of the management admits the correctness of the settlement. I give my award accordingly. No order as to costs.

Dated 6th August, 1971.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1522, dated Rohtak, the 9th August, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 6th August, 1971.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 24th August, 1971

No. 9152-4Lab-71/27959. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s. Modern Woollen Mills, Kundli (Sonapat).

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 61 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S. MODERN WOOLLEN MILLS, KUNDLI
SONEPAT

Present. — Nemo for the workmen.
Shri D. C. Bhardwaj, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes between the management of M/s. Modern Woollen Mills, Kundli and their workmen for adjudication to this Tribunal,—*vide* Order No. ID/17873-71, dated 9th June, 1971:—

- (1) Whether the workmen should be issued attendance cards ? If so, with what details ?
- (2) Whether the workmen should be paid bonus for the years 1968-69 and 1969-70 ? If so, with what details ?

On receipt of the reference usual notices were given to the parties and they were required to put in their respective statements on 2nd July, 1971. None appeared on behalf of the workmen on that day inspite of the personal service of their union leader Shri M.S. Rathi who had given the demand notice dated 2nd September, 1970 leading to the present reference. Shri P.R. Sharma, Manager of the industrial establishment concerned stated that the factory had been started only two years back and as such the claim of the workmen for grant of bonus was not tenable. However, fresh notice was given to the workmen for 23rd July, 1971 at Panipat put the tour Programme having been cancelled, the case could not be taken up on that date and was adjourned to 2nd August, 1971 at Panipat for which date notices were given to both the parties. Shri P.R. Sharma, Manager, appeared on that day also but none was present on behalf of the workmen. Still another adjournment was given and the workmen were directed to put in their statement of claim today at Faridabad. The notice has been delivered in the office of the union but the workmen have not turned up and their authorised representative Shri M.S. Rathi has also not appeared to pursue the claim. In the circumstances, there was no alternative but to proceed with the case in the absence of the workmen who are manifestly not interested in the present reference.

Statement of Shri D.C. Bhardwaj, authorised representative of the management has been recorded. According to him this industrial establishment was set up only about two years back some time towards the end of 1968 and the production started in 1969 and no profits have so far been earned. Since the workmen are not taking any interest in the proceedings it has been considered unnecessary to call for the balances-sheets etc. Moreover the industrial establishment being still in its infancy, it is covered by the exemption as provided under section 16 of the Payment of Bonus Act, 1965.

That disposes of the second item of reference and for the reasons aforesaid it is held that the workmen are not entitled to bonus for the years 1968-69 and 1969-70.

As far the question of the attendance cards covered by item No. 1 of the reference, the authorised representative of the management has stated that the same will be issued to the concerned workmen with effect from 1st of September, 1971. This issue is, therefore, found in favour of the workmen.

In view of my above findings the claim of the workmen for grant of bonus for the periods in question is not tenable and the same has to be rejected. They are, however, entitled to attendance cards and the management shall issue the same with effect from 1st September, 1971. The award is made accordingly but with no order as to costs.

Dated 19th August, 1971

O.P. SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 941 Dated 20th August, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated 19th August, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 25th August, 1971

No. 9168-4Lab-71/28041.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s. Orient General Industries Ltd, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 76 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S. ORIENT GENERAL INDUSTRIES, LTD, FARIDABAD

Present.—

Shri Bhim Singh Yadav, for the workmen.
Shri K. P. Aggarwal, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute between the management of M/s. Orient General Industries Ltd, Faridabad and their workmen for adjudication to this Tribunal,—*vide* Order No. ID/FD/283-B/19584, dated 27th June, 1971 :—

Whether workmen are entitled to the grant of uniforms ? If so, with what details and from which date ?

On receipt of the reference usual notices were given to the parties. No statement of claim has been put in on behalf of the workmen in spite of two suitable adjournments granted in the case. On the other hand, the case for the management is that they assemble electric fans and nowear and tear or dust is involved in the process anywhere and as such uniforms are not necessary for the workmen. Shri Bhim Singh Yadav, General Secretary of General Engineering Mazdoor Union Registered, Faridabad, who had given the demand notice, dated 24th December, 1970 leading to the present reference has also stated that the workmen do not press their claim for the supply of uniforms.

In view of the above no further proceedings are called for in the present reference and the above claim of the workmen stands to be rejected as withdrawn. The award is accordingly made but without any order as to costs.

Dated 19th August, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 943, dated 20th August, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 19th August, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

B. L. AHUJA,
Commissioner for Labour and Employment and
Secretary to Government Haryana.